

REMARKS

This application includes claims 1-10, 12, 15-24, 26, 27 and 30-36. In the non-final Office Action of January 8, 2009, claims 1-10, 12, 15-24, 26, 27 and 30-35 are rejected. With this paper, none of the claims are amended, none are canceled and none are added.

Applicant respectfully submits that claim 25 was canceled in a previous response filed on February 15, 2008, and claim 36 was added in a previous response filed on August 29, 2008. A proper marking of the status of claims 25 and 36 is requested.

Claim Rejections under 35 U.S.C. §103

On page 2 of the Office Action, claims 1-10, 12, 15-27 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 9-312890 in view of Hirayama et al (U.S. Publication No. 2002/0198006, Hirayama hereinafter).

Applicant respectfully submits that the above claim rejection is improper because Hirayama is not a valid prior art reference under 35 U.S.C. 102.

The present application is a national phase entry of PCT application No. PCT/FI03/00402 filed on May 26, 2003, which claims priority to a Finnish patent application No. 20021032, filed on May 31, 2002. Therefore, the earliest effective filing date of the present invention is May 31, 2002.

Hirayama is a pre-grant publication of U.S. patent application No. 10/175,881, filed on Jun. 21, 2002.

The U.S. application of Hirayama was filed after the filing date of the present application for patent (the earliest effective filing date of Hirayama is Jun. 21, 2002, which is later than the earliest effective filing date of the present application, May 31, 2002).

A certified translation of the Finnish original of the priority document is enclosed. The form PCT/IB/304 has already been submitted.

Based on the above reason, Applicant respectfully requests the Office withdraw the above rejection based on 35 U.S.C. 102(e)/103(a).

Conclusion

It is believed that the application is now in condition for allowance, and early passage to issue is earnestly solicited. The Examiner is invited to contact applicant's attorney at the number below if there are any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis Maguire". The signature is fluid and cursive, with a large initial "F" and a long, sweeping underline.

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